

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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JUAN M. VILLANUEVA,	:	
Petitioner,	:	
v.	:	No. 2:16-cv-1043
	:	
SUPERINTENDENT LUTHER, DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
HARRISBURG, ATTORNEY GENERAL	:	
OF THE STATE OF PENNSYLVANIA,	:	
Respondents.	:	

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**ORDER**  
**Report and Recommendation, ECF No. 5 – Adopted in Part**

**AND NOW**, this 20<sup>th</sup> day of May, 2016, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, ECF No. 5, is **ADOPTED in part**, as provided in the accompanying Memorandum;
2. The Petition for Writ of Habeas Corpus, ECF No. 1, is **TRANSFERRED** to the United States District Court for the Middle District of Pennsylvania;
3. There is no basis for the issuance of a certificate of appealability, see Bell v. Kinston Rehab. Ctr., No. 11-41, 2011 U.S. Dist. LEXIS 11531, at \*2 (D. Del. Feb. 7, 2011) (Schiller, J.) (concluding that there was no basis for the issuance of a certificate of appealability after dismissing the § 2254 petition for lack of jurisdiction); and
4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge